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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anne N. Murphy et al.
Application No. : 09/709,785
Filed : November 3, 2000
For : COMPOSITIONS AND METHODS FOR DETERMINING
INTERACTIONS OF MITOCHONDRIAL COMPONENTS, AND
FOR IDENTIFYING AGENTS THAT ALTER SUCH
INTERACTIONS
Examiner : Arun Chakrabarti
Art Unit : 1655
Docket No. : 660088.433C1
Date : November 13, 2001

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

Claims 37-61 and 63-67 have previously been canceled and claims 92-139 are currently pending in the application. In response to the Restriction Requirement mailed October 12, 2001, applicants elect Group IV, claims 37-61 and 63-67, without prejudice to the filing of any divisional, continuation or continuation-in-part application. The present Response now completes the requirement for a Response to the Restriction Requirement, where through inadvertent oversight the Amendment and Response to Restriction Requirement, as filed on September 24, 2001, canceled claims 1-91 without electing any Group and instead put forward new claims 92-139. Applicants believe the application now satisfies the requirements of 37 C.F.R. §1.142. Examination of pending claims 92-139 is respectfully requested.

REMARKS

Claims 92-139 are pending in the present application and examination of claims 92-139 is requested at this time. The Restriction Requirement mailed on October 12, 2001, asserted that the previously submitted Amendment and Response to Restriction Requirement, as filed on September 24, 2001, canceled claims 1-91 without electing any one of the five Groups identified by the Examiner in an earlier Restriction Requirement mailed on May 22, 2001, and instead put forward new claims 92-139.

In a telephonic interview with the Examiner on November 1, 2001, the undersigned attorney was advised that the aforementioned Amendment and Response to Restriction Requirement, as filed by applicants on September 24, 2001, has been entered into the record, such that claims 1-91 have been canceled and are no longer pending in the application, and claims 92-139 are currently pending. The Examiner further asserted, however, that as noted in the (second) Restriction Requirement mailed October 12, 2001, the aforementioned Amendment and Response appears to be *bona fide*, but through apparent oversight or inadvertence did not, prior to the cancellation of claims 1-91 and the submission of new claims 92-139, include an election of a Group in a manner that is responsive to the original Restriction Requirement. Accordingly, the present Response is respectfully submitted solely to remedy this deficiency in the previously submitted Amendment and Response. Examination of currently pending claims 92-139 is therefore respectfully requested.

Applicants believe the application is in condition for allowance. Favorable consideration of the claims and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Anne N. Murphy et al.

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